

DEPARTMENT OF SOCIAL SERVICES

14 P Street, Sacramento, CA 95814
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June 18, 1984

ALL-COUNTY LETTER NO. 84-60

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Restriction on Services to Non-custodial Parents

REFERENCE:

This is to reaffirm the Department's position that non-custodial parents (i.e., parent does not have legal custody of child as the result of a dissolution action) do not have a right nor are they authorized to receive OCSS funded Family Reunification (FR) or Family Maintenance (FM) services. Therefore, counties cannot claim against their Other County Social Services (OCSS) allocation for FR or FM services provided to non-custodial parents.


FR services are to be provided only to reunite the child with the parent(s) from whom he/she was separated because of abuse, neglect or exploitation (WIC Section 16507 and 361(e)). "Parent" as used in these statutes is the parent having legal custody of the child.

In those situations where a non-custodial parent wants to be "reunited" with his/her child, the status of that parent is no different from any other non-custodial relative. Therefore, if reunification with the custodial parent is not the case plan goal as determined at a Permanency Planning hearing, the appropriate action for the county welfare department (CWD) placing the court dependent child with the non-custodial parent is to provide Permanent Placement (PP) services while the non-custodial parent seeks to obtain legal custody through Family Court proceedings.

Additionally, in similar circumstances counties are apparently providing voluntary FM services to non-custodial parents in an attempt to circumvent any juvenile court involvement. Providing FM services to non-custodial parents is inappropriate because these services are to be provided only to maintain the child with his or her family (WIC Section 16506). "Family" as used in this statute means the parent having legal custody or guardian of the child (WIC Sections 330 and 360). Since the non-custodial parent has

the same status as any other non-custodial relative, the child is de facto in a placement. Where the case plan goal is reunification with the custodial parent, voluntary or court ordered FR services may be provided to the child and the custodial parent. If the goal is to permanently place the child with the non-custodial parent, only PP services may be provided, and only if the juvenile court has ordered them as part of the child's permanent plan.

If you have questions concerning this letter, please contact your Adult and Family Services Program Management Consultant at (916) 322-6671 or ATSS 492-6671.


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